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February 21, 2024

VIA ECF

The Honorable Jesse M. Furman
United States District Judge
United States District Court for the
Southern District of New York
40 Centre Street
New York, New York 10007

Application GRANTED. The Clerk of Court is directed to terminate ECF No. 81. SO ORDERED.



February 21, 2024

Re: *UMB Bank, N.A. v. Bristol-Myers Squibb Co.*, No. 21-cv-4897-JMF

Dear Judge Furman,

We represent plaintiff UMB Bank, N.A., as trustee under the Contingent Value Rights Agreement dated as of November 20, 2019 (“UMB”), and defendant Bristol-Myers Squibb Co. (“BMS”).¹ We are writing jointly to request the Court’s approval of three limited changes to the schedule under the Court’s case management and scheduling order, as amended. [ECF Nos. 39, 48].

First, there are two depositions that the parties will not be able to complete by the fact discovery cut-off date, which is next Monday, February 26, 2024. The deposition of a non-party witness had been scheduled to be held last week but was postponed because of an illness. That deposition has been rescheduled to be taken on Tuesday, February 27. Separately, the deposition of BMS’s corporate representative pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure had been scheduled to be taken on February 26, but that date now presents an unavoidable conflict for the witness. The parties have agreed to schedule the deposition on March 7. The parties jointly respectfully request the Court’s approval of these two exceptions to the requirement in the case management order that all depositions be completed by the fact discovery cut-off date.

Second, because of the foregoing postponement of the BMS deposition the parties have agreed, subject to the Court’s approval, to a short extension of the remaining schedule for briefing with respect to BMS’s pending motion to dismiss this action for lack of subject matter jurisdiction. [ECF No. 73]. Under the briefing schedule the Court previously approved, UMB’s opposition brief must be filed by March 8, 2024, and BMS’s reply must be filed by March 29, 2024. [ECF No. 70]. The parties jointly respectfully request the Court’s approval of an extension of those deadlines to March 15 and April 5, respectively.

Finally, paragraph 12 of the case management order calls for the parties to meet in person no later than 14 days after the close of fact discovery to discuss settlement. Given the ongoing

¹ BMS disputes that UMB is the trustee, as set forth in the pending BMS motion to dismiss this action for lack of subject matter jurisdiction.

briefing on the BMS motion, the parties jointly respectfully request an extension of that deadline until Wednesday, April 17, 2024.

The parties have made no previous request for an extension of the foregoing deadlines.

Respectfully submitted,

/s/ Maria Ginzburg

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